IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.09.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.30656/2006 & M.P.No.1/2006

K.M.Regunathan .. Petitioner

Vs

1.C1363 Kalanthira Chettiappanur Primary Agrl.
Cooperative Bank, Kalanthira Post and Village,
Vaniyambadi Tk., Vellore District, rep. by its
Special Officer.

2.The Coop.Sub Registrar/Packaging Gudiyattam Cum
Enquiry Officer,
Care of C1363 Kalanthira Chettiappanur Primary Agrl.
Cooperative Bank, Kalanthira Post and Village,
Vaniyambadi Tk., Vellore District.

3.The Deputy Registrar of Coop. Societies,
Tirupattur Circle, Tirupattur, Vellore District.
.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent to change the enquiry officer to hold denovo enquiry into the affairs of the 1st respondent society.

For Petitioner : Mr.T.Karthick Sarnath

For Respondents: Mr.A.Edwin Prabhakar, GA

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ORDER

The writ petition is filed for a direction against the 3rd respondent to change the enquiry officer, viz., the 2nd respondent. The petitioner is the Secretary of the 1st respondent/Co-operative Bank. When there was a complaint made against the functioning of the 1st respondent through the petitioner-Secretary, the 3rd respondent/Deputy Registrar of the Co-operative Society has appointed the 2nd respondent as the Enquiry Officer and accordingly the 2nd respondent proceeded with the enquiry.

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2.Admittedly, the petitioner, being the Secretary to the said Bank has also participated in the enquiry. It is also admitted by the learned counsel for the petitioner that the enquiry is almost in finishing stage. The present writ petition is filed for the purpose of changing the 2nd respondent/Enquiry Officer purely on the basis of two printed bit notices issued by some villagers making allegations against the petitioner.

3. The grievance of the petitioner is that the contents of the bit notices reveals that those matters which are only within the executive knowledge of the 2nd respondent, have been given to the third parties by the 2nd respondent and therefore, the petitioner is of the view that he is not safe in the hands of the 2nd respondent being the Enquiry Officer. In view of the same, the petitioner would allege mala fide and collusion by the 2nd respondent.

4. I do not agree with the contention of the learned counsel for the petitioner merely on the basis that the third parties has issued bit notices against the petitioner. That cannot be a ground for the purpose of changing the enquiry officer, especially when the 3rd respondent while performing his statutory functions, has appointed the 2nd respondent as enquiry officer and in fact it is admitted that the petitioner has participated in the enquiry which is at the fag end of the stage. Making it clear that the 2nd respondent shall complete the enquiry without being influenced by any of the allegations, or bit notices against the petitioner by anyone of the public or any other person, the writ petition is dismissed. No costs. Consequently, connected M.P.is closed.

ap

Sd/
Deputy Registrar (Judl.)I/C.

/true copy/

Sub Asst.Registrar

To

1.The Special Officer,
C1363 Kalanthira Chettiappanur Primary Agrl.
Cooperative Bank, Kalanthira Post and Village,
Vaniyambadi Tk., Vellore District.

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3.The Deputy Registrar of Coop. Societies,
Tirupattur Circle, Tirupattur, Vellore District.

1 cc to Government Pleader, SR.40779
1 cc to Mr.S.Venkataraman, Advocate, SR.40368

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